



## State of Utah

GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

TODD E. KISER  
Acting Commissioner

# Insurance Department

## State of Utah Title and Escrow Commission Meeting Meeting Information

**Date:** April 14, 2014 **Time:** 9:15AM (or immediately after the rule hearing at 9AM)  
**Place:** East Bldg, Copper Room

### MEMBERS

#### COMMISSION MEMBERS

Chair, Kirk Smith, *Weber Cnty*

Co-Chair, Larry Blake, *Washington Cnty*

Jeff Wiener, *Salt Lake Cnty*

Matt Sager, *Maricopa Cnty, AZ*

Sylvia Andersen, *Public Member*

#### DEPARTMENT STAFF

Perri Babalis, *AG Counsel*

Suzette Green-Wright, *MC Dir.*

Brett Barratt, *Deputy Comm.*

Tammy Greening, *Examiner*

Mark Kleinfeld, *ALJ*

Jilene Whitby, *PIO Recorder*

### AGENDA

#### *General Session: (Open to the Public)*

- **Welcome** / Kirk Smith, Chair
- **Adopt Minutes of Previous Meeting**
- **Reports**
  - Concur with Licensee Report / Tammy
  - Concur with Complaint & Enforcement Report / Suzette
  - Request for Dual Licensee Expedited Request: None
  - Request for Attorney Exemption: None
- **Administrative Proceedings Action** / Mark Kleinfeld, ALJ
  - Stipulation & Order:
    - Artisan Title Insurance Agency, Inc., E-Case 3430
    - Coalition Title Agency, E-Case 3431
    - Emery County Abstract and Title, Inc., E-Case 3445
    - Box Elder Land Title Insurance Agency, Inc., E-Case 3453
    - Bartlett Title Insurance Agency, Inc., E-Case 3454
  - Request for a Hearing: None
  - Order to Show Cause:
    - Robert L. Harrington
    - Community Title
  - Informal Adjudicative Proceeding & Order: None
  - Notice of Formal Adjudicative Proceeding: None
- **New Business**
  - Discuss Rule Hearing for R592-2 Held prior to Commission Meeting.
- **Old Business**
  - Discuss Proposed Rule: Prohibited Escrow Settlement Closing Transactions / Jeff
  - Williams Title Guaranty and Escrow Agency, Ltd, Inc. / Suzette
- **Other Business**

#### *Executive Session (Closed to Public)*

#### *General Session: (Open to the Public)*

- **Adjourn:**
- **Next Meeting:** May 12, 2014, Copper Room

# Title Agency Monthly Report

For the month of March, 2014

## License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
6353	D LAND TITLE	5/16/2002	3/31/2016			TE
6835	JUAB TITLE & ABSTRACT COMPANY	5/16/2002	3/31/2016			TS
11134	EAGLE POINTE TITLE INSURANCE AGENCY I	5/16/2002	3/31/2016			TE
11134	EAGLE POINTE TITLE INSURANCE AGENCY I	5/16/2002	3/31/2016			TS
7228	FIRST SOUTHWESTERN TITLE AGENCY OF U	5/16/2002	3/31/2016			TE
7228	FIRST SOUTHWESTERN TITLE AGENCY OF U	5/16/2002	3/31/2016			TS
6835	JUAB TITLE & ABSTRACT COMPANY	5/16/2002	3/31/2016			TE
15326	UTAH MOUNTAIN TITLE & ESCROW INSURAN	3/28/2006	3/31/2016			TMR
6353	D LAND TITLE	5/16/2002	3/31/2016			TS
7161	TOOELE TITLE COMPANY	5/16/2002	3/31/2016			TS
6227	SECURITY TITLE & ABSTRACT COMPANY	5/16/2002	3/31/2016			TS
15326	UTAH MOUNTAIN TITLE & ESCROW INSURAN	3/28/2006	3/31/2016			TE
6413	SOUTHERN UTAH TITLE COMPANY	5/16/2002	3/31/2016			TE
6413	SOUTHERN UTAH TITLE COMPANY	5/16/2002	3/31/2016			TS
6577	SUNRISE TITLE COMPANY	5/16/2002	3/31/2016			TE
6577	SUNRISE TITLE COMPANY	5/16/2002	3/31/2016			TS
15326	UTAH MOUNTAIN TITLE & ESCROW INSURAN	3/28/2006	3/31/2016			TS
7161	TOOELE TITLE COMPANY	5/16/2002	3/31/2016			TE
6227	SECURITY TITLE & ABSTRACT COMPANY	5/16/2002	3/31/2016			TE

## Late License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
168627	MAGELLAN TITLE	2/23/2012	2/29/2016			TMR

# Title Agency Monthly Report

For the month of March, 2014

## Late License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
162436	VENDORTRAK TITLE INSURANCE AGENCY L	2/2/2010	2/29/2016			TE
162436	VENDORTRAK TITLE INSURANCE AGENCY L	2/2/2010	2/29/2016			TS
168627	MAGELLAN TITLE	2/23/2012	2/29/2016			TS
168627	MAGELLAN TITLE	2/23/2012	2/29/2016			TE
6974	SUTHERLAND TITLE COMPANY	5/16/2002	2/29/2016			TS
6974	SUTHERLAND TITLE COMPANY	5/16/2002	2/29/2016			TE

## Reinstated License

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
168627	MAGELLAN TITLE	2/23/2012	2/29/2016	3/30/2014	3/4/2014	TMR
168627	MAGELLAN TITLE	2/23/2012	2/29/2016	3/30/2014	3/4/2014	TS
168627	MAGELLAN TITLE	2/23/2012	2/29/2016	3/30/2014	3/4/2014	TE
6974	SUTHERLAND TITLE COMPANY	5/16/2002	2/29/2016	3/30/2014	3/7/2014	TS
6974	SUTHERLAND TITLE COMPANY	5/16/2002	2/29/2016	3/30/2014	3/7/2014	TE
162436	VENDORTRAK TITLE INSURANCE AGENCY L	2/2/2010	2/29/2016	3/30/2014	3/10/2014	TE
162436	VENDORTRAK TITLE INSURANCE AGENCY L	2/2/2010	2/29/2016	3/30/2014	3/10/2014	TS

# Title Individual Monthly Report

For the month of March, 2014

## New License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1560397	RACHEL DAWN MASSEY	03-24-2014	12-31-2016			TE
1558145	MICHAEL J ORULLIAN	03-19-2014	01-31-2017			TE
1559732	JOHN ADAM SHEPHERD	03-13-2014	04-30-2016			TE
1560808	KIMBERLY L STEVENS	03-26-2014	07-31-2016			TE
1560808	KIMBERLY L STEVENS	03-26-2014	07-31-2016			TS
1563292	SARA STEVENS	03-27-2014	04-30-2016			TE
1562430	WILLIAM LARRY MORGAN	03-17-2014	01-31-2017			TMR

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
33986	TODD R SHERMAN	05-16-2002	03-31-2016			TS
44105	MARILYN ADAMS	05-16-2002	03-31-2016			TE
44105	MARILYN ADAMS	05-16-2002	03-31-2016			TS
94867	JADE ADAMS	10-06-2003	03-31-2016			TE
148119	JEREMY R GALE	08-20-2007	03-31-2016			TS
145993	CHASALEENA SNOW BAXTER	06-06-2007	03-31-2016			TE
53277	VICKI S CARTER	05-16-2002	03-31-2016			TS
41472	RYAN TIMOTHY CHATWIN	05-16-2002	03-31-2016			TE
49653	KEITH M CLEM	05-16-2002	03-31-2016			TE

# Title Individual Monthly Report

For the month of March, 2014

License Renewal		Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
Indv ID	Name					
49653	KEITH M CLEM	05-16-2002	03-31-2016			TS
95184	CHARITY HAWKINS DODSON	10-15-2003	03-31-2016			TE
31745	PERI EBY	05-16-2002	03-31-2016			TE
31745	PERI EBY	05-16-2002	03-31-2016			TMR
9450	VICKI L FLEMING	05-16-2002	03-31-2016			TE
148119	JEREMY R GALE	08-20-2007	03-31-2016			TE
95550	JOHN BRIAN NIELSON	10-28-2003	03-31-2016			TE
1389651	TERYL SCOTT HAMMER	04-16-2009	03-31-2016			TE
82843	CHRISTIAN N GEORGE	10-24-2002	03-31-2016			TE
33986	TODD R SHERMAN	05-16-2002	03-31-2016			TE
37481	LORI A HARPER	05-16-2002	03-31-2016			TE
37481	LORI A HARPER	05-16-2002	03-31-2016			TS
28882	MARILYN MORGAN HILLERY	05-16-2002	03-31-2016			TE
46278	JAY RHEL JARRARD	05-16-2002	03-31-2016			TMR
34447	WILLIAM L JOHNSON	05-05-2003	03-31-2016			TE
37747	WILLIAM RAYMOND JONES	05-16-2002	03-31-2016			TS
138280	STEFFANIE LARSEN	05-17-2007	03-31-2016			TE
40174	TERRIE SOFIA LUND	11-04-2005	03-31-2016			TE
53277	VICKI S CARTER	05-16-2002	03-31-2016			TE
96201	CHRISTINA NAOMA MOSER	11-18-2003	03-31-2016			TE

# Title Individual Monthly Report

For the month of March, 2014

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
9296	STACEY L MILLER	05-16-2002	03-31-2016			TE
95550	JOHN BRIAN NIELSON	10-28-2003	03-31-2016			TS
69655	LESLIE PETERSON	05-16-2002	03-31-2016			TE
1393413	LAMARR JEFFREY POULTON	05-28-2009	03-31-2016			TE
1393413	LAMARR JEFFREY POULTON	05-28-2009	03-31-2016			TS
1393264	TIFFANY A. RASMUSSEN	07-28-2009	03-31-2016			TE
95027	SELENA KAYE REEVES	10-09-2003	03-31-2016			TE
22355	MARK D SCHROEPPEL	05-16-2002	03-31-2016			TMR
145428	CONNIE JO SCHULTZ	05-08-2007	03-31-2016			TE
25849	GABRIEL D SELDERS	05-16-2002	03-31-2016			TE
149733	NATHAN R. BALDWIN	08-14-2007	03-31-2016			TMR
38822	MARK EUGENE GONZALES	05-16-2002	03-31-2016			TS
31963	BRET L SPRIGGS	05-16-2002	03-31-2016			TS
66540	MATTHEW D SHOCKLEY	05-16-2002	03-31-2016			TE
66540	MATTHEW D SHOCKLEY	05-16-2002	03-31-2016			TS
95360	STEVEN SHROPE	10-21-2003	03-31-2016			TE
95360	STEVEN SHROPE	10-21-2003	03-31-2016			TS
91692	GREGORY JUSTIN SMALLEY	06-27-2003	03-31-2016			TE
91692	GREGORY JUSTIN SMALLEY	06-27-2003	03-31-2016			TS
29270	D Dawn Smith	05-16-2002	03-31-2016			TE

# Title Individual Monthly Report

For the month of March, 2014

License Renewal						
Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
30655	VICKIE J SMITH	05-16-2002	03-31-2016			TE
36742	RICHARD E SOUTHAM	05-16-2002	03-31-2016			TS
31642	MARLA M SPENCER	05-16-2002	03-31-2016			TE
31963	BRET L SPRIGGS	05-16-2002	03-31-2016			TE
33058	CREED K STEPHENSON	05-16-2002	03-31-2016			TE
33058	CREED K STEPHENSON	05-16-2002	03-31-2016			TS
126537	JUSTIN BLAINE STRATTON	03-17-2006	03-31-2016			TE
126537	JUSTIN BLAINE STRATTON	03-17-2006	03-31-2016			TMR
42899	CAMILLE TOPHAM	05-16-2002	03-31-2016			TE
113264	STEVIE JO TORRES	04-27-2005	03-31-2016			TE
65598	KELLI ANN USHER	05-16-2002	03-31-2016			TE
99062	Khristine Valcarcel	02-23-2004	03-31-2016			TE
40007	DERON DALE WILKERSON	05-16-2002	03-31-2016			TE
123768	CHRISTINE A SNYDER	01-19-2006	03-31-2016			TE
25849	GABRIEL D SELDERS	05-16-2002	03-31-2016			TS
1344470	KIMBERLY WOUDEN	11-16-2007	03-31-2016			TE
40007	DERON DALE WILKERSON	05-16-2002	03-31-2016			TS

# Title Individual Monthly Report

For the month of March, 2014

## Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
32466	DAVID E WEST	05-16-2002	02-28-2014	3/30/2014		TE
32466	DAVID E WEST	05-16-2002	02-28-2014	3/30/2014		TS
44631	ELIZABETH H HART	11-02-2011	02-28-2014	3/30/2014		TE
46233	PATRICIA A TAFFS	08-24-2009	02-28-2014	3/30/2014		TE
73636	TROY J LASHLEY	05-16-2002	02-28-2014	3/30/2014		TMR
92249	Kim Parr	07-15-2003	02-28-2014	3/30/2014		TE
92417	KRISTY L CARRILLO	07-21-2003	02-28-2014	3/30/2014		TE
114934	GARIN M CLARK	06-20-2005	02-28-2014	3/30/2014		TMR
138052	CHRISTINA STRATTON	07-09-2007	02-28-2014	3/30/2014		TE
141633	RODNEY W. RIVERS	03-08-2007	02-28-2014	3/30/2014		TE
141633	RODNEY W. RIVERS	03-08-2007	02-28-2014	3/30/2014		TS
1394907	SHARDAE LANELL JENSEN	06-16-2009	02-28-2014	3/30/2014		TE
1480739	SCOTT R EDGAR	02-13-2012	02-28-2014	3/30/2014		TS
1384855	TY VAN HUBBARD	05-05-2009	02-28-2014	3/30/2014		TE

## Reinstated License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
49299	STEVEN E JOHNSON	05-16-2002	03-31-2015	4/30/2013	3/25/2014	TS
79546	ANDREA ANDERSEN	07-30-2002	06-30-2015	7/30/2013	3/11/2014	TE

# Title Individual Monthly Report

For the month of March, 2014

## Reinstated License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
76047	JOEL VAUGHN BAUMGART	05-16-2002	02-29-2016	3/30/2014	3/7/2014	TS
1382802	JEFFREY SCOTT BREGLIO	01-04-2009	01-31-2017	3/2/2011	3/20/2014	TE
137840	GREGORY W CURTIS	12-08-2006	07-31-2016	8/30/2011	3/4/2014	TMR
116149	KENDALL CLAYTON DUMAS	07-21-2005	02-29-2016	3/30/2014	3/19/2014	TE
116149	KENDALL CLAYTON DUMAS	07-21-2005	02-29-2016	3/30/2014	3/19/2014	TS
49299	STEVEN E JOHNSON	05-16-2002	03-31-2015	4/30/2013	3/25/2014	TE
1398936	MICHAEL TURNER	07-27-2009	01-31-2017	3/1/2012	3/4/2014	TMR

GARY JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
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P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375  
Email: gjosephson@utah.gov

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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

ARTISAN TITLE INSURANCE  
AGENCY, INC., License No. 352917,  
6975 South Union Park #390  
Cottonwood Heights, UT 84047

Respondent.

**STIPULATION  
AND ORDER**

Docket No. \_\_\_\_\_

Enforcement Case No. 3430

Mark E. Kleinfield  
Administrative Law Judge

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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Artisan Title Insurance Agency, Inc., a Utah licensed title agency ("Respondent"), hereby stipulate and agree as follows:

1. Respondent Artisan Title Insurance Agency, Inc., is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 352917. Respondent's address is 6975 South Union Park, #390, Cottonwood Heights, UT 84047.

2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of its right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by both the Commissioner and the Title and Escrow Commission, along with the Findings of Fact, the Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could offer witnesses and introduce evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are hereby admitted to.


7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

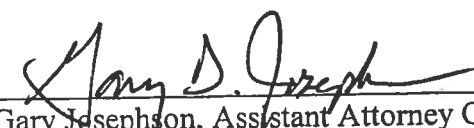
9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 10<sup>th</sup> day of March, 2014.

  
Artisan Title Insurance Agency, Inc.  
David Delahunty, President

Dated this 12<sup>th</sup> day of March, 2014.

  
Gary Josephson, Assistant Attorney General  
Attorney for Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On October 1, 2013, a Department representative made a visit to Respondent and a review of compliance with agency producer licensing requirements was performed. A SIRCON licensing screen indicated that Respondent was initially licensed by the Department on August 24, 2010. A review of Department records indicated that Respondent had not filed its proposed escrow filing charges as required.
2. On October 1, 2013, Mr. Delahunty, Respondent's president, was advised to file Respondent's rates and to provide the Department with a list of closings/title business conducted from August 24, 2010 through October 1, 2013.

3. On October 21, 2013, Mr. Delahunty emailed the Department and stated that 1,724 title reports were prepared and 1,293 closings were conducted between August 24, 2010 through October 1, 2013.

4. Mr. Delahunty was cooperative during the investigation and took full responsibility for the lapse in Respondent's compliance to the Department's requirements.

5. Respondent has had two prior enforcement actions: one for failing to timely pay an assessment; and one for lapsed license.

6. On November 25, 2013, Respondent agreed to a proposed enforcement action of an administrative forfeiture in the amount of \$1,500.00.

Based upon the foregoing Stipulation and Findings of Fact, the following Conclusions of Law are made:

#### **CONCLUSIONS OF LAW**

1. Utah Code § 31A-19a-209(2)(a) requires a title agency to file with the Commissioner a schedule of the escrow charges or any changes to the schedule of escrow charges that the agency proposes to use prior to conducting a real estate closing or providing services in connection with the issuance of title insurance policies.

2. Because Respondent failed to file its escrow charges with the Department, Respondent was in violation of Utah Code § 31A-19a-209 during the period August 24, 2010 through October 1, 2013.

3. An administrative forfeiture in the amount of \$1,500.00 is appropriate in this matter.

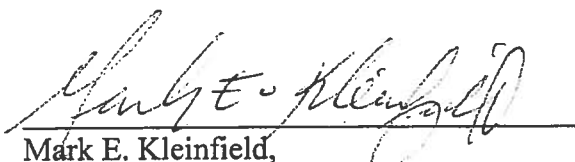
**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION APPROVE AND ADOPT THE FOLLOWING ORDER, WITH PENALTY:

Based on the Stipulation, Findings of Fact and Conclusions of Law, Respondent, Artisan Title Insurance Agency, Inc., is assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within thirty (30) days of the date of the Title and Escrow adopting the Commissioner's Order.

DATED this 12<sup>th</sup> day of March, 2014.

Todd E. Kiser  
Utah Insurance Commissioner

  
Mark E. Kleinfeld,  
Administrative Law Judge  
Utah Insurance Department  
Room 2110, State Office Building  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

**ADOPTION OF RECOMMENDED ORDER, WITH PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Utah Title and Escrow Commission hereby adopts the recommended Order, with Penalty.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Kirk D. Smith, Chairman  
Title and Escrow Commission

### **NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

GARY JOSEPHSON #5299  
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Email: gjosephson@utah.gov

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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

COALITION TITLE AGENCY,  
License No. 4393,  
2200 Park Ave Blvd. C, Suite 100,  
Park City, UT 84060

Respondent.

**STIPULATION  
AND ORDER**

Docket No. \_\_\_\_\_

Enforcement Case No. 3431

Mark E. Kleinfield  
Administrative Law Judge

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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Coalition Title Agency ("Respondent") hereby stipulate and agree as follows:

1. Respondent Coalition Title Agency, is an active Utah licensed title insurance agency authorized to do business in the state of Utah under license number 4393. Respondent's address is 2200 Park Ave Blvd. C, Suite 100, Park City, UT 84060.

2. The Department has jurisdiction over the parties and subject matter of this

administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of the right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by the Commissioner and the Title and Escrow Commissioner, along with the Findings of Fact, the Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could offer witnesses and introduce evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are hereby admitted to.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

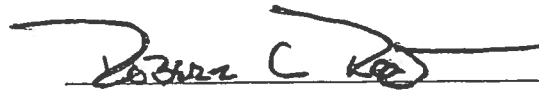
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm

that they are authorized to sign and bind the parties.

Dated this 4 day of March, 2014.



COALITION TITLE AGENCY  
Robert C. Rodman

Dated this 6<sup>th</sup> day of March, 2014.



UTAH INSURANCE DEPARTMENT  
Gary Josephson,  
Attorney for Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On August 8, 2013, the Department created a list of all title producers who had reinstated their licenses during the month of July, 2013. When the list was compared to SIRCON licensing, it was revealed that Respondent's license had lapsed on June 30, 2013 and was reinstated on July 10, 2013. The SIRCON check also indicated that all Respondent's associations were also terminated on June 30, 2013. They were re-associated on August 9, 2013.

2. On September 3, 2013, a letter was sent by the Department to Respondent requesting a narrative statement outlining all title business conducted between June 30, 2013 and

July 10, 2013.

3. On September 24, 2013 Respondent's president and owner, Robert C. Rodman, provided a response and stated that Respondent had conducted thirty-six (36) closings between the license lapse on June 30, 2013 and reinstatement on July 10, 2013.

4. Mr. Rodman was cooperative and helpful during the investigation and acknowledged full responsibility for the lapse in licensure and associations. An agreement on an administrative forfeiture has been reached.

5. Respondent has agreed to an administrative forfeiture in the amount of \$1,500.00

Based upon the foregoing Stipulation and Findings of Fact, the following Conclusions of Law are made:

#### **CONCLUSIONS OF LAW**

1. Utah Code § 31A-23a-103 requires a title agency to be licensed in order to conduct any title business in Utah.

2. Respondent violated Utah Code § 31A-23a-103 when it conducted thirty six (36) closings during the time its license was lapsed, from June 30, 2013 to July 10, 2013.

3. In order to perform services on behalf of the agency, Utah Code § 31A-23a-302 requires that a title agency's producers and other personnel be associated/designated to it.

4. Respondent violated Utah Code § 31A-23a-302 by using un-associated or un-designated producers during the period between June 30, 2013 to August 9, 2013.

5. An administrative forfeiture in the amount of \$1,500.00 is appropriate in this matter.

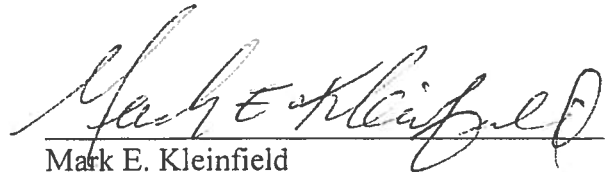
**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION APPROVE AND ADOPT THE FOLLOWING ORDER, WITH PENALTY:

Based on the Stipulation, Findings of Fact and Conclusions of Law, Respondent, Coalition Title Agency, is assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within thirty (30) days of the date of the Title and Escrow Commission's adoption of the Order.

DATED this 7<sup>th</sup> day of March, 2014.

Todd E. Kiser  
Insurance Commissioner



Mark E. Kleinfeld  
Administrative Law Judge  
Utah Insurance Department  
Room 2110, State Office Building  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

**ADOPTION OF RECOMMENDED ORDER, WITH PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Utah Title and Escrow Commission hereby adopts the recommended Order, with Penalty.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Kirk D. Smith, Chairman  
Title and Escrow Commission

### **NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375  
Email: [gjosephson@utah.gov](mailto:gjosephson@utah.gov)

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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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<p>UTAH INSURANCE DEPARTMENT,</p> <p style="text-align: center;">Complainant,</p> <p>vs.</p> <p>EMERY COUNTY ABSTRACT AND TITLE, INC. <i>Now known as</i> ACADEMY TITLE, License No. 339095, 65 N. Central Street, Castle Dale, Utah 81513</p> <p style="text-align: center;">Respondent.</p>	<p style="text-align: center;"><b>STIPULATION AND ORDER</b></p> <p>Docket No. 214-012</p> <p>Enforcement Case No. 3445</p> <p>Mark E. Kleinfield Administrative Law Judge</p>
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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Emery County Abstract and Title, Inc., *nka*, Academy Title ("Respondent"), hereby stipulate and agree as follows:

1. Respondent, Emery County Abstract and Title, Inc., *nka* Academy Title, is an active resident title insurance company authorized to do business in the state of Utah under License No. 339095. Respondent's address is 65 N. Central Street, Castle Dale, Utah 84513.
2. The Department has jurisdiction over the parties and the subject matter of this

administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is part of an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of the right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by the Commission and the Title and Escrow Commission, along with the Findings of Fact, the Conclusions of, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could offer witnesses and introduce evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are hereby admitted to.

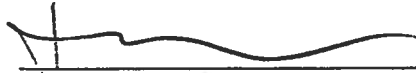
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 11 day of March, 2014.



EMERY COUNTY ABSTRACT AND TITLE, INC.  
Now Known As: ACADEMY TITLE  
Daine Behling, President

Dated this 19<sup>th</sup> day of March, 2014.



UTAH INSURANCE DEPARTMENT  
Gary Josephson  
Attorney for the Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. The Department received a complaint alleging that Respondent violated Utah Administrative Rule 592-6-4(13), the dual licensing and unfair marketing practices rule; specifically that an employee of Respondent received compensation from Respondent while that employee was licensed as a mortgage loan originator.
2. An investigation commenced, and through the course of the investigation it was determined that Respondent employed an individual who was at the same time an active licensed mortgage loan officer. The employee received compensation from Respondent in the form of salary and corporate dividends totaling approximately \$15,000; although, it was also determined that the employee did not originate or close any loans while employed by Respondent.

3. Respondent's marketing practices, bank records, website and individual designated licensees were also reviewed as part of the investigation. Respondent's website was found to contain inaccurate and possibly misleading information. When brought to its attention, Respondent made immediate corrections and responded in a timely manner to the investigator's request to follow-up. This issue was handled and corrected by educating the Respondent.

4. Respondent's president was cooperative and helpful during the investigation, acknowledged full responsibility for the issues found, and made immediate corrections.

5. Based on the lack of intent on Respondent's part to violate any statute or rule and in the interests of justice, the parties have agreed to an administrative forfeiture in the amount of \$1,500.00, of which \$1,250.00 of the forfeiture amount is to be stayed pending completion of six months probation. The agreed terms of probation are that, pursuant to Utah Code § 61-2c-209, if the employee's mortgage license is reinstated, it must remain "inactive" or unaffiliated while the individual is employed by Respondent.

Based upon the foregoing Stipulation and Findings of Fact, the following conclusions of law are entered:

#### **CONCLUSIONS OF LAW**

1. Utah Administrative Code, Rule 592-6-4(13), prohibits, as an unfair marketing practice, compensation by salary or other means to an individual who is at the same time licensed as a real estate agent or broker or as a mortgage lender or mortgage company.

2. Respondent violated the above Administrative Rule when it paid compensation to an employee who was at the same time an active mortgage licensee.

3. An administrative forfeiture in the amount of \$1,500.00 with \$1,250.00 being stayed pending successful completion of six months probation is appropriate in this matter.

### RECOMMENDED ORDER

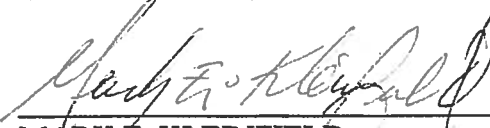
IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION APPROVE AND ADOPT THE FOLLOWING ORDER, WITH PENALTY:

1. Based on the Stipulation, Findings of Fact and Conclusions of Law, Respondent Emery County Abstract and Title, Inc., *nka* Academy Title, shall be assessed an administrative forfeiture in the amount of \$1,500.00, with \$1,250.00 of the administrative forfeiture amount being stayed pending successful completion of a six month probation. Two hundred and fifty dollars (\$250.00) shall be paid to the Department within thirty (30) days of the date of the Title and Escrow Commission's adoption of the Order.

2. The terms of probation are that (a) if any employee of Respondent obtains or reinstates a mortgage license, that license must remain "inactive" or unaffiliated while the licensee is Respondent's employee; (b) the \$250.00 forfeiture shall be timely paid; and (c) there shall be no further violations of the Utah Code or Department Rules.

DATED this 19<sup>th</sup> day of March, 2014.

Todd E. Kiser  
Utah Insurance Commissioner

  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER, WITH PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Utah Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the recommended penalty.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Kirk D. Smith, Chairman  
Title and Escrow Commission

**NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey any order of the Commission may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375  
Email: [gjosephson@utah.gov](mailto:gjosephson@utah.gov)

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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  BOX ELDER LAND TITLE INSURANCE AGENCY, INC, License No. 260425 312 West Main, Tremonton, UT 84337  Respondent.	<b>STIPULATION AND ORDER</b>  Docket No. 2014-023PC  Enforcement Case No. 3453  Mark E. Kleinfield Administrative Law Judge
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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Box Elder Land Title Insurance Agency, Inc. ("Respondent"), hereby stipulate and agree as follows:

1. Respondent, Box Elder Land Title Insurance Agency, Inc., is an active Utah licensed title insurance agency authorized to do business in the State of Utah under License No. 260425. Respondent's address is 312 West Main, Tremonton, Utah 84337.
2. The Department has jurisdiction over the parties and the subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is part of an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of its right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by voluntarily having chosen not to do so.

5. This signed Stipulation, the signed and adopted Order by both the Insurance Commissioner and the Title and Escrow Commission, and the Findings of Fact and Conclusions of Law shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The parties agree and accept the Findings of Fact and Conclusions of Law presented below.

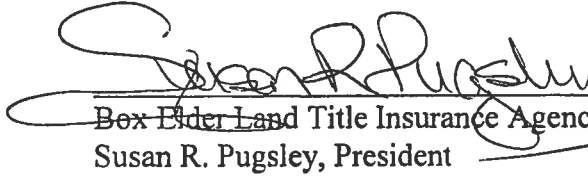
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

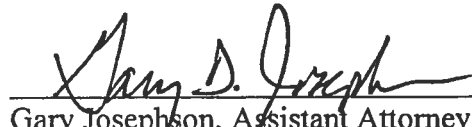
9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 20<sup>th</sup> day of March, 2014.

  
Box Elder Land Title Insurance Agency, Inc.  
Susan R. Pugsley, President

Dated this 26<sup>th</sup> day of March, 2014.

  
Gary Josephson, Assistant Attorney General  
Representing the Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On November 8, 2013, Department personnel reviewed a list of all title producers who had reinstated their licenses in October, 2013. A SIRCON licensing screen indicated that Respondent's license had lapsed on June 30, 2013 and was not reinstated until October 10, 2013. Respondent's producer associations also lapsed on June 30, 2013; all producers were re-associated on October 11, 2013.
2. On December 2, 2013, a Department letter was sent to Respondent's President, Susan Pugsley, requesting a narrative response regarding any title business conducted between June 30, 2013, and October 10, 2013.
3. On December 18, 2013 the Department received a reply from Ms. Pugsley stating that Respondent had conducted 60 closings and issued 76 search commitments between June 30,

2013 and October 10, 2013.

4. Throughout the investigation, Respondent's President, Susan Pugsley was cooperative, helpful and took full responsibility for the agency's actions.

5 On February 3, 2014, the Department offered an enforcement action with a stipulation and administrative forfeiture of \$1,500.00.

6. On February 18, 2013, via email, the Respondent accepted the proposed enforcement action.

Based upon the foregoing Stipulation and Findings of Fact, the following conclusions of law are entered:

#### CONCLUSIONS OF LAW

1. Utah Code Ann. § 31A-23a-103 requires that a license be issued by the Department for a person to perform, offer to perform, or advertise any service as a producer, limited line producer, customer service representative, consultant or managing general agent in the State.

2. Utah Code Ann. § 31A-23a-302(1) requires an agency to designate an individual who has an individual producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary license to act on behalf of the agency in order for it to do business in the state.

3. Because Respondent's licensed was lapsed during the period June 30, 2013 to October 10, 2013, and its associations was lapsed from June 30, 2013 to October 11, 2013, Respondent was in violation of the above statutory provisions.

3. An administrative forfeiture in the amount of \$1,500.00 is appropriate.

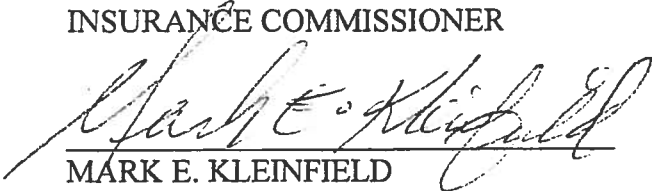
**ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION APPROVE AND ADOPT THE FOLLOWING ORDER, WITH PENALTY:

Based on the Stipulation, Findings of Fact and Conclusions of Law, Respondent, Box Elder Land Title Insurance Agency, Inc. is assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within thirty (30) days of the date of the Commission's Order.

DATED this 27 day of March, 2014.

TODD E. KISER  
INSURANCE COMMISSIONER

  
MARK E. KLEINFELD  
Administrative law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER, WITH PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Utah Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the recommended penalty.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
KIRK D. SMITH, Chairman  
Title and Escrow Commission

### **NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey any order of the Commission may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375  
Email: [gjosephson@utah.gov](mailto:gjosephson@utah.gov)

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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  BARTLETT TITLE INSURANCE AGENCY, INC, License No. 103332 1993 N. State Street, Provo, UT 84604  Respondent.	<b>STIPULATION AND ORDER</b>  Docket No: 2014-022PC  Enforcement Case No. 3454  Mark E. Kleinfield Administrative Law Judge
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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Bartlett Title Insurance Agency, Inc. ("Respondent"), hereby stipulate and agree as follows:

1. Respondent, Bartlett Title Insurance Agency, Inc., is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 103332. Respondent's address is 1993 N. State Street, Provo, UT 84604.
2. The Department has jurisdiction over the parties and the subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is part of an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of its right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation, the signed and adopted Order by both the Insurance Commissioner and the Title and Escrow Commission, and the Findings of Fact, and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The parties agree to and accept the Findings of Fact and Conclusions of Law presented below.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

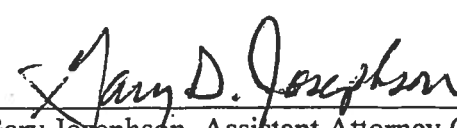
9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign for and bind the parties.

Dated this 25 day of March, 2014.

  
Bartlett Title Insurance Agency, Inc.  
Bruce Bartlett, President

Dated this 26<sup>th</sup> day of March, 2014.

  
Gary Josephson, Assistant Attorney General  
Attorney for Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On November 8, 2013, Department personnel reviewed a list of all title producers who had reinstated their licenses in October 2013. A SIRCON licensing screen indicated that Respondent's license had lapsed on September 30, 2013 and was not reinstated until October 8, 2013. The SIRCON screen also indicated that Respondent's associations were terminated on September 30, 2013. All Respondent's producers were re-associated on February 3, 2014.
2. On December 2, 2013, a letter was sent to Bruce Bartlett requesting a narrative response regarding any title business conducted between September 30, 2013 and October 8, 2013.
3. On December 23, the Department received a reply from Mr. Bartlett stating that Respondent had conducted 3 closings and issued 5 search commitments between September 30,

2013 and October 8, 2013.

4. Throughout the investigation, Respondent's President, Bruce Bartlett was cooperative and helpful and took full responsibility for the agency's actions.

5 Based on a history of three lapsed licenses, the Department offered an enforcement action of a stipulation and administrative forfeiture of \$3,000.00.

6. On February 18, 2013, via email, the Respondent accepted the proposed enforcement action.

Based upon the foregoing Stipulation and Findings of Fact, the following conclusions of law are entered:

#### **CONCLUSIONS OF LAW**

1. Utah Code Ann. § 31A-23a-103 requires that a license be issued by the Department for a person to perform, offer to perform, or advertise any service as a producer, limited line producer, customer service representative, consultant or managing general agent in the state.

2. Utah Code Ann. § 31A-23a-302(1) requires an agency to designate an individual who has an individual producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary license to act on behalf of the agency in order for it to do business in the state.

3. Because Respondent conducted 3 closings and issued 4 search commitments during the period its license had lapsed, and because its producer associations were lapsed from September 30, 2013 to February 3, 2014, Respondent was in violation of the above statutory provisions.

3. An administrative forfeiture in the amount of \$3,000.00 is appropriate.

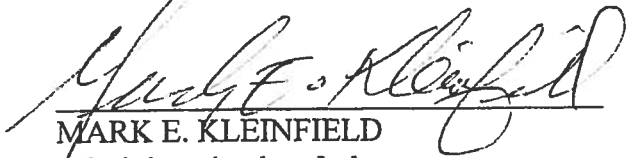
**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION APPROVE AND ADOPT THE FOLLOWING ORDER, WITH PENALTY:

Based on the Stipulation, Findings of Fact and Conclusions of Law, Respondent, Bartlett Title Insurance Agency, Inc. is assessed a \$3,000.00 administrative forfeiture to be paid to the Department within thirty (30) days of the date of the Commission's adoption of the Order.

DATED this 26<sup>th</sup> day of March, 2014.

TODD E. KISER  
INSURANCE COMMISSIONER

  
MARK E. KLEINFELD  
Administrative law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER, WITH PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Utah Title and Escrow Commission hereby adopts the recommended Order of the presiding officer and imposes the recommended penalty.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
KIRK D. SMITH, Chairman  
Title and Escrow Commission

### **NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey any order of the Commission may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

**R592. Insurance, Title and Escrow Commission.**

**R592-2. Title Insurance Administrative Hearings and Penalty Imposition.**

**R592-2-1. Authority.**

This rule is promulgated pursuant to Subsections 31A-2-404(2)(e), (g), ~~[and] (h)~~, and (6) to provide the process for conducting or delegating an administrative hearing in a title ~~[administrative hearing]~~ insurance matter and imposing a penalty for a violation of statute or rule.

**R592-2-2. Purpose and Scope.**

- (1) The purposes of this rule are:
  - (a) to establish procedures for the ~~[e]~~Commission:
  - (i) to delegate to the commissioner's administrative law judge the conduct of an administrative hearing to resolve a title insurance matter; or
  - (ii) to conduct an administrative hearing to resolve a title insurance matter; and
  - (b) to establish procedures for the ~~[e]~~Commission,
    - (i) to impose penalties; and
    - (ii) for the commissioner to concur with the penalties imposed.
- (2) This rule applies to all title licensees, applicants for a title insurance license, unlicensed persons doing the business of title insurance, and continuing education providers submitting title continuing education programs for approval.

**R592-2-3. Definitions.**

For purposes of this rule, the ~~[e]~~Commission adopts the definitions set forth in ~~[Utah Code Annotated (U.C.A.)]~~ Title 31A and the following:

- (1) "Commission" means the Title and Escrow Commission.
- (2) "Commissioner" means the Utah~~[-s]~~ insurance commissioner.
- (3) "Title insurance matter" means a matter related to:
  - (a) title insurance; and
  - (b) an escrow conducted by an individual title insurance producer.

**R592-2-4. Title Insurance Matters Referred for Enforcement.**

- (1) A title insurance matter referred for enforcement will be resolved by:
  - ~~[[i]]~~a an informal adjudicative ~~[action]~~ proceeding pursuant to R592-2-5; or
  - ~~[(ii)]~~ ~~a stipulation and order issued by the commissioner; or~~
  - ~~[[iii]]~~b ~~[an administrative hearing]~~ a formal adjudicative proceeding conducted either by the ~~[e]~~Commission or the commissioner's administrative law judge pursuant to R592-2-6.

**R592-2-5. Imposition of a Penalty When an Informal Adjudicative Proceeding Is Used to Resolve a Title Insurance Matter.**

- (1) If the commissioner uses an informal adjudicative proceeding as set forth in 63G-4-203 and R590-160 to resolve a violation listed in Table 1 below, the commissioner shall use the penalties imposed by the ~~[e]~~Commission in this Section.
- (2) The ~~[e]~~Commission shall impose the following penalties on

title licensees for the violations listed in Table 1 below when resolved through an informal adjudicative proceeding.

Table 1

Violation	1st Proceeding	2nd Proceeding
<del>[Failure to complete required continuing education hours.]</del>	<del>Individual: \$1,000; Agency: n/a</del>	<del>Individual: \$2,000; Agency: n/a</del>
Failure to respond to an inquiry of the commissioner.	Individual: \$500; Agency: \$750	Individual: \$1,000; Agency: \$1,500
Failure to file a required rate, form, or report.	Individual: n/a Agency: \$1,000	Individual: n/a; Agency: \$2,000
Late filing of a required rate, form, or report.	Individual: n/a; Agency: \$750	Individual: n/a; Agency: \$1,500
<del>[Failure to charge or</del>	<del>Individual: \$1,000;</del>	<del>Individual: \$2,000;]</del>
<del>Failure to charge or</del>	<del>Individual: \$1,250;</del>	<del>Individual: \$2,500;</del>
<del>collect a correct premium or a correct filed fee.</del>	<del>Agency: \$2,500</del>	<del>Agency: \$5,000</del>
<u>Failure to provide a current email.</u>	<u>Individual: \$100</u> <u>Agency: \$250</u>	
Charging or collecting a non-filed required fee.	Individual: \$1,000; Agency: \$2,500	Individual: \$2,000; Agency: \$5,000
<del>[Failure to pay assessment when due.</del>	<del>Individual: \$500;</del>	<del>Individual: \$1,000;</del>
<del>Failure to pay</del>	<del>Agency: \$750</del>	<del>Agency: \$1,500]</del>
<del>Assessment when due.</del>	<del>Individual: \$1,000;</del>	<del>Individual: \$2,000;</del>
<del></del>	<del>Agency: \$1,500</del>	<del>Agency: \$3,000</del>
<u>Conducting title insurance business on a license that has lapsed for 30 days or less.</u>	<u>Individual: \$250</u> <u>Agency: \$1,500</u>	

(3) If an informal adjudicative proceeding in a title insurance matter is proposed to be resolved through settlement and negotiation, prior to entering into a stipulation and order, the commissioner shall present to and discuss with the Commission a proposed resolution of the title insurance matter based on the following procedures:

(a) the commissioner shall provide the parties involved with a draft stipulation of facts, which may include aggravating and mitigating factors, and conclusions of law pertaining to the title insurance

matter with a recommended penalty;

(b) if the parties involved agree to the stipulation of facts and conclusions of law, the stipulation of facts and conclusions of law together with the commissioner's recommended penalty will be presented to the Commission for the imposition of the penalty, which penalty will be imposed if the Commission concurs with the recommended penalty;

(c) if the Commission does not concur with the commissioner's recommended penalty, the Commission will provide the commissioner a recommended penalty, which penalty will be imposed upon the concurrence of the commissioner;

(d) a party involved in an informal hearing may at any time request that the title insurance matter be resolved by a Formal Adjudicative Proceeding pursuant to R592-2-6.

**R592-2-6. Use of ~~[an Administrative Hearing]~~a Formal Adjudicative Proceeding to Resolve a Title Insurance Matter.**

(1) ~~[When the commissioner sets a date for an administrative hearing to resolve a title insurance matter,]~~Before the commissioner sets a date for a hearing, the commissioner shall inform the ~~[e]Commission~~ of the title insurance matter and the request for a hearing~~[-date]~~.

(2) After being informed of ~~[a]the request for a hearing[-date]~~, the ~~[e]Commission~~ shall, in accordance with Section 31A-2-404(2)(e), either:

(a) delegate the conduct of the ~~[administrative-]~~hearing to the commissioner's administrative law judge;~~[-or]~~

(b) conduct the ~~[administrative-]~~hearing~~[-]~~; or

(c) unless requested by a party that the Commission conduct the hearing, any title insurance matter that has been presented to the Commission per R592-2-5(3) shall be delegated to the commissioner's administrative law judge.

(3) ~~[For an administrative]~~In hearing a formal adjudicative proceeding conducted by the ~~[e]Commission~~, the ~~[e]Commission~~ shall:

(a) ~~[accept]~~set the date, time and place ~~[set by the commissioner or set a different date, time, and place-]~~for the ~~[administrative]~~hearing;

(b) cause notification to be sent to the respondent(s), the commissioner's administrative law judge, and the commissioner's enforcement attorney of the date, time, and place of the ~~[administrative-]~~hearing;

(c) conduct the hearing pursuant to 63G-4-206 and R590-160;

(d) impose penalties in accordance with Sections 31A-2-308, 31A-2-404, 31A-23a-111, 31A-23a-112, 31A-26-213, and 31A-26-214, subject to the concurrence of the commissioner; and

(e) issue an Order~~[-on Hearing]~~.

(4) The commissioner's administrative law judge shall assist the ~~[e]Commission~~ in its conduct of ~~[an administrative]~~a hearing.

**R592-2-7. Imposition of Penalties.**

The ~~[e]Commission~~ shall impose a penalty as follows:

(1) ~~[#]~~For an informal adjudicative proceeding pursuant to R592-2-5(1), a penalty shall be imposed in accordance with Table 1 in R592-2-5(2).~~[-]~~

(2) For a stipulation and order pursuant to R592-2-5(3), the

Commission shall impose a penalty subject to the concurrence of the commissioner.

(3) [~~f~~] For [an administrative] a hearing on a formal adjudicative proceeding conducted by the commissioner's administrative law judge[ ~~pursuant to R592-2-6 (2)(a)~~], the [~~e~~]Commission shall impose the recommended penalty or a different penalty, subject to the concurrence of the commissioner; or

(4) [~~f~~] For [an administrative] a hearing on a formal adjudicative proceeding conducted by the [~~e~~]Commission, the [~~e~~]Commission shall impose a penalty, subject to the concurrence of the commissioner.

**R592-2-8. Severability.**

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**R592-2-9. Enforcement Date.**

The commissioner will begin enforcing this rule upon the rule's effective date.

**KEY: title insurance**

**Date of Enactment or Last Substantive Amendment: [~~May 1, 2013~~]2014**

**Notice of Continuation: September 15, 2010**

**Authorizing, and Implemented or Interpreted Law: 31A-2-402**

## **R592. Insurance, Title and Escrow Commission.**

### **Rule R592-XX. Prohibited Escrow Settlement Closing Transactions.**

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R592-XX-7. Severability.

KEY

Date of Enactment or Last Substantive Amendment

Authorizing, Implemented, or Interpreted Law

#### **R592-XX-1. Authority.**

This rule is promulgated pursuant to Section 31A-2-404(2), which authorizes the Title and Escrow Commission (Commission) to make rules for the administration of the Insurance Code related to title insurance, including rules related to standards of conduct for a title insurer, agency title insurance producer or individual title insurance producer.

#### **R592-XX-2. Purpose and Scope.**

- (1) The purpose of this rule is to identify certain escrow practices involving two or more back to back sales/purchases of the same parcel of real property, which the Commission finds may often involve fraud or violate the Insurance Code or rules, and therefore it is necessary identify and prohibit such conduct.
- (2) These practices include sales/purchases of the same parcel of real property where funds from the final purchaser are received by the initial seller despite having no contractual privity and those where no statutory authority exists for the title insurer, agency title insurance producer or individual title insurance producer to conduct one or more of such escrows under Section 31A-23a-406 and R592-6-4(5).
- (3) This rule applies to all title insurers, agency title insurance producers, individual title insurance producers and all employees, representatives and any other party working for or on behalf of said entities whether as a full time or part time employee or as an independent contractor.

#### **R592-XX-3. Definitions.**

For the purpose of this rule the Commission adopts the definitions as set forth in Section 31A-1-301 and the following:

- (1) "Land flip" means two or more escrows for the sale/purchase of real property that involve substantially the following circumstances exist:
  - (a) Seller "A" contracts with Buyer "B" to sell a parcel of real property;
  - (b) Buyer "B" then contracts with Buyer "C" to sell the same parcel of real property; and
  - (c) Buyer "B" anticipates acquiring the parcel and selling the parcel at or near the same time.

#### **R592-XX-4. Permitted Escrows of Flip Transactions.**

Title insurers, agency title insurance producers, individual title insurance producers are permitted to conduct escrows involving a land flip, if each real estate transaction stands on its own and the following circumstances exist:

- (1) The transaction between Seller "A" and Buyer "B" close independently from the transaction between Buyer "B" and Buyer "C";
- (2) The funds deposited by Buyer "C" may not be used to fund the closing between Seller "A" and Buyer "B." Buyer "B" must provide funds independent of the funds generated by Buyer "C";

(3) One or more policies of title insurance required under Section 31A-23a-406(c) are issued in the transaction between Seller “A” and Buyer “B”, and one or more policies of title insurance required under Section 31A-23a-406(c) are issued in the transaction between Buyer “B” and Buyer “C”;

(4) Buyer “B” must close with Buyer “B’s” own good funds and record, so that Buyer “B” is in title prior to the second transaction closing and recording.

The above structure insures compliance with 31A Section 31A-23a-406 and R592-6-4. (See Illustration 1).

**R592-XX-5. Prohibited Escrows of Flip Transactions.**

Except as allowed under R592-XX-4, title insurers, agency title insurance producers, individual title insurance producers are prohibited from conducting any escrows involving a land flip. (See Illustration 2).

**R592-XX-6. Enforcement Date.**

The commissioner will begin enforcing the provisions of this rule 45 days from the effective date of the rule.

**R592-XX-7. Severability.**

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY**

title insurance

**Date of Enactment or Last Substantive Amendment**

**Authorizing, Implemented, or Interpreted Law**

31A-2-404

STATE OF UTAH  
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April 3, 2014

Utah Title & Escrow Commission  
c/o Utah Insurance Department  
State Office Building, RM 3110  
Salt Lake City, Utah 84114-6901

**Re: Utah Insurance Department v. Williams Title & Escrow Agency  
Docket No. 2013-110 PC  
Stipulation and Order**

Title and Escrow Commission:

Complainant, Utah Insurance Department, requests a ruling in regards to the signed and previously filed Joint Stipulation and Order in regards to the above referenced administrative matter.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary D. Josephson".

Gary D. Josephson  
Assistant Attorney General  
Utah Insurance Department

GDJ:ds

cc: Joseph G. Webb, Attorney at Law  
925 S Niagra Street, Suite 360  
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